

INFORMATION SHEET
DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS
RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK
COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: CENAB-OP-RPA
FILE NUMBER: 2005-02259

REGULATORY PROJECT MANAGER: Patricia Strong **Date:** October 26, 2005

PROJECT REVIEW/DETERMINATION COMPLETED: In the office (Y/N) **Date:**
 At the project site Y (Y/N) **Date:** June 16, 2005

PROJECT LOCATION INFORMATION:

State: Pennsylvania
County: Chester
Center coordinates of site by latitude & longitudinal coordinates: 39° 48' 47" / 75° 56' 8"
Approximate size of site/property (including uplands & in acres): 24 acres
Name of waterway or watershed: Unnamed tributary to West Branch Big Elk Creek

SITE CONDITIONS:

Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands	X								
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)									

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹ :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?				X	
Is or would be used as habitat by other migratory birds that cross state lines?				X	
Is or would be used as habitat for endangered species?					X
Is used to irrigate crops sold in interstate commerce?		X			

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary Or **Approved** X.

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite): Project site is approximately 24 acres in size, proposed for a 16-lot residential subdivision. Current land use is for agricultural production with some forested, scrub/shrub areas. Total jurisdictional wetlands, 5,336 square feet. Non-jurisdictional wetland is 984 square feet and is not proposed to be impacted by the project.

The non-jurisdictional wetland area (wetland C) exhibited all three criteria—hydric soils, hydrophytic vegetation and hydrology. See consultant's data sheet dated June 16, 2005. This wetland was located at the edge of an agricultural field in a low-lying depressional area. I did not observe any connection to other waters of the United States.

The remaining wetlands on-site are hydrologically connected to an unnamed tributary to the West Branch Big Elk Creek which flows to the Big Elk Creek (an interstate water) which flows to the Elk River and ultimately the Chesapeake Bay.